

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ISHMAEL A. BURK, JR.,

Plaintiff,

v.

DR. CASSIDY, *et al.*,

Defendants.

CIVIL ACTION
NO. 19-05792

ORDER

AND NOW, this 18th day of June 2020, in response to Ishmael Burk's Request to Reinstate Complaint (ECF No. 22), the Court lacks jurisdiction to consider Burk's request or take any other action in this action, which remains closed. If Burk wishes to pursue the claims raised in his complaint, he must file a new lawsuit.¹

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

¹ Burk previously filed a voluntary Motion to Withdraw Complaint (ECF No. 20), which the Court granted, dismissing this action under Federal Rule of Civil Procedure 41(a)(2), *see* (ECF No. 21). A dismissal under that rule is without prejudice, unless stated otherwise. Fed. R. Civ. P. 41(a)(2). But once entered, such a dismissal "deprives the District Court of jurisdiction over the action." *State Nat'l Ins. Co. v. Cty. of Camden*, 824 F.3d 399, 407 (3d Cir. 2016); *see also* 9 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2367 (3d ed.) (Westlaw) ("[A] voluntary dismissal under Rule 41(a) leaves the situation as if the action had never been filed.").